

2014-1156

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United States Court of Appeals  
For the Federal Circuit

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**LUMEN VIEW TECHNOLOGY, LLC,**

*Appellant,*

*v.*

**FINDTHEBEST.COM, INC.**

*Appellee,*

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*On Appeal from the United States District Court for the Southern District of  
New York in case No. 13-3599, Judge Denise L. Cote.*

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**JOINT MOTION TO STAY BRIEFING SCHEDULE PENDING  
UNITED STATES SUPREME COURT REVIEW OF  
*ALICE CORP. PTY. LTD. v. CLS BANK INT'L***

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Appellant Lumen View Technology, LLC and Appellee Findthebest.com, Inc. respectfully move for an order staying the deadline for Appellant's brief until 28 days after a final decision by the United States Supreme Court in *Alice Corporation Pty. Ltd. v. CLS Bank International*, No. 13-298, with all subsequent deadlines following therefrom. Appellant's opening brief is currently due by Feb. 10, 2014. On Jan. 31, 2014, Circuit Judge Wallach granted a similar motion in consolidated District of Delaware Cases, *e.g.* Case No. 14-1092 (D.I. 25). The parties respectfully make a similar request for stay.

The district court held that Appellant's patent claims are not patent-eligible under 35 U.S.C. § 101 and dismissed Appellant's patent infringement suit against Appellee. In *CLS Bank*, the United States Supreme Court is currently considering the correct interpretation of that statute. *Alice Corporation Pty. Ltd. v. CLS Bank International*, No. 13-298 (Dec. 6, 2013) (miscellaneous order granting petition for certiorari).

The parties agree that judicial economy and the efficient resolution of the instant appeal are best served if the parties are allowed to brief the appeal with the benefit of the Supreme Court's decision in *CLS Bank*. The parties therefore respectfully request that this Court stay the deadline for Appellant's opening brief in this appeal until 28 days after the United States Supreme Court's opinion in *CLS Bank*, No. 2013-298, and that the deadlines follow therefrom in accordance with the current schedule. *See Order, Prometheus Laboratories, Inc. v. Mayo Collective Services, Inc.*, No. 2008-1403 (Fed. Cir. Sept. 2, 2008) (granting motion to stay briefing and directing movant to inform this Court within 14 days of the *en banc* disposition in *In re Bilski*, No. 2007-1130 as to how appeal should proceed).

Dated: February 3, 2014

Respectfully submitted,

AETON LAW PARTNERS LLP

/s/ Damian Wasserbauer/  
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**CERTIFICATE OF INTEREST**

Lumen View Technology, LLC v. Findthebest.com, Inc.  
Appeal No. 2013-1156

Counsel for Appellant Lumen View Technology, LLC certifies the following in accordance with Fed. R. App. P. 26.1 and Fed. Cir. R. 47.4(a):

**1. The full name of every party or amicus represented by me is:**

Lumen View Technology, LLC

**2. The name of the real party in interest represented by me is:**

Lumen View Technology, LLC is the real party in interest.

**3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:**

Pursuant to Federal Rule of Appellate Procedure 26.1, the undersigned counsel for Lumen View Technology, LLC (a private nongovernmental party) certifies that it has no corporate parent and there are no publicly held corporations that own 10% or more of its stock.

**4. The names of all law firms and the partners and associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:**

Damian Wasserbauer and Aeton Law Partners LLP,  
101 Centerpoint Dr., Ste. 105,  
Middletown, CT 06457

**DECLARATION OF AUTHORITY PURSUANT TO  
FEDERAL CIRCUIT RULE 47.3**

Pursuant to Rule 47.3(d) of the Rules of the United States Court of Appeals for the Federal Circuit, I, Damian Wasserbauer, hereby swear under penalty of perjury pursuant to 28 U.S.C. § 1746 that each of the following attorneys has authorized me to sign the foregoing joint motion on her behalf:

Joseph S. Leventhal; Carolyn Juarez, for *Appellee* Findthebest.com, Inc.

Executed: February 3, 2014

/s/ Damian Wasserbauer  
Damian Wasserbauer